



Newport Partners L.L.C.

Contract Number C-CHI-00757

Alternatives to Impact Fees for Financing Development and Infrastructure

Bibliography

December 20, 2004

Prepared for:
U.S. Department of Housing and Urban Development
Office of Policy Development and Research
Washington, DC 20410

Bibliography

Alternatives to Impact Fees for Financing Development and Infrastructure Contract # C-CHI-00757

Aaron, Henry, *Who Pays the Property Tax?* Washington, D.C.: The Brooking Institute (1975).

Adams, John S., Cidell, Julie L., Hansen, Laura J., Jung, Hyun-joo, Ryu, Yeon-taek, and VanDrasek, Barabara. *Development Impact Fees for Minnesota? A Review of Principles and Natural Practices (Report #3)*. Center for Transportation Studies, University of Minnesota, October 1999.

Altshuler, Alan A., and Jose Gomez-Ibanez. *Regulation for Revenue: The Political Economy of Land Use Exactions*. Cambridge, Mass.: The Lincoln Institute of Land Policy, and Washington, D.C.: The Brookings Institution, 1993.

American City & County, "Atlanta faces lawsuit over impact fees." October 16, 2001, Available at:
www.americancityandcounty.com/news/government_atlanta_faces_lawsuit/ (last visited Jan 29, 2005)

Arizona Daily Star, "Impact Fees are good for business." October 28, 2004
Available at: www.azstarnet.com/dailystar/relatedarticles/45194.php (last visited Jan 25, 2005)

Babcock, Richard F., symposium ed. 1987. Exactions: A Controversial New Source for Municipal Funds. *Law and Contemporary Problems* 50,1.

Baden, Brett M. and Coursey, Don L. An Examination of the Effects of Impact Fees on Chicago's Suburbs. Presented in the Workshop in Economic Policy and Public Finance, University of Chicago Department of Economics, January 30, 1998.

Baldassare, M. (1986). *Trouble in Paradise: The Suburban Transformation in America*. Columbia University Press, N. Y.

Been, Vicki. *Impact Fees and Housing Affordability*. April 2004.

Benson, Robert W. (1995) *Getting Business off the Public Dole: State and Local Model Laws to Curb Corporate Welfare Abuse*. Loyola Law School, Los Angeles, CA

Bosselman, Fred and Stroud, Nancy. 1985. Pariah to Paragon: Developer Exactions in Florida 1975-85. *Stetson Law Review* 14, 3: 528-63.

Boutin, Kelli, "The Real Impact of Impact Fees." *Tar Heel Realtor* 2002.

Boyd, Susan, *Washington Law Review* *Washington Law Review*, January, 1999, 74 Wash. L. Rev. 69, 11970 words, NOTES & COMMENTS: A DOCTRINE ADRIFT: LAND USE REGULATION AND THE SUBSTANTIVE DUE PROCESS OF LAWTON v. STEELE IN THE SUPREME COURT OF WASHINGTON.

Braun, Bruce R. and Dobie, W. Gordon, *Florida State University Law Review* *Florida State University Law Review*, Spring, 1996, 23 Fla. St. U.L. Rev. 897, 10564 words, ARTICLE: LITIGATING THE YANKEE TAX: APPLICATION OF THE LODESTAR TO ATTORNEYS' FEE AWARDS IN COMMON FUND LITIGATION.

Brumbaugh, Robert W., *Wetland Mitigation Banking: Entering a New Era?*, at 4, available at <http://www.wes.army.mil/el/wrtc/wrp/bulletins/v5n3/brum.html> (last visited Oct. 2, 2003).

Building Together: Investing in Community Infrastructure, PPS: Project for Public Spaces, Financing Parks: A pay-as-you-go Guide.

Call, Craig M., "Other Recent Utah Cases of Interest in Land Use." *Utah Property Rights Ombudsman*. Available at: www.utahpropertyrights.com (last visited Jan 25, 2005)

Bunnell, Gene "The Emergence of Impact Fees as a Way of Paying for Growth." A newsletter from the Department of Agricultural Economics, University of Wisconsin-Madison and Community, Natural Resource and Economic Development Programs. No. 206, Dec. 1993

Burchell, *Development at the Urban Fringe and Beyond*. Economic Research Service/ USDA

California Court of Appeals. *Home Builders Association of Northern California v. City of Napa*. 89 Cal. App. 4th 897 (2001)

Callies, David L., Benjamin A. Kudo, William S. Richardson, *Exactions, Impact Fees and Other Land Development Conditions*. *Revolutionary Ideas in Planning: Proceedings of the 1998 National Planning Conference*, APA.

Carrion, Carmen and Libby, Lawrence W. *Development Impact Fees: A Primer*. Available at: www.impactfees.com (last visited Jan 29, 2005)

Cobb, Rodney L., *Washington University Journal of Law & Policy*, 2000, 3 Wash. U. J.L. & Pol'y 195, 8227 words, EVOLVING VOICES IN LAND USE LAW: A Festschrift in Honor of DANIEL R. MANDELKER: Part II: Discussions on the National Level: Chapter 4: Proposals: Land Use Law: Marred by Public Agency Abuse.

Connely, Susan G. 1984. Road Impact Fees Upheld in Non-charter County. *Florida Bar Journal* 58, 1:54-57.

Connors, Donald L. & High, Michael E., *The Expanding Circle of Exactions: From Dedications to Linkage*, 50 LAW & CONTEMP. PROBS. 69 (1987).

Cooper, Connie B. (2000) *Transportation Impact Fees and Excise Taxes*, 62 pp. Planning Advisory Service, Chicago, IL. (Order at BookService@planning.org)

Cordes, Mark W., The Northern Illinois University Law Review, Summer, 1995, 15 N. Ill. U. L. Rev. 513, 21608 words, SYMPOSIUM: DISCRETIONARY LIMITS IN LOCAL LAND-USE CONTROL: ARTICLE: Legal Limits on Development Exactions: Responding to Nollan and Dolan.

Coyne, William. *The Fiscal Cost of Sprawl: How Sprawl Contributes to Local Governments' Budget Woes*. Environment Colorado Research and Policy Center, December 2003

Dahlstrom, Roger K., Board of Regents, for Northern Illinois University The Northern Illinois University Law Review, Summer, 1995, 15 N. Ill. U. L. Rev. 557, 5608 words, SYMPOSIUM: DISCRETIONARY LIMITS IN LOCAL LAND-USE CONTROL: ARTICLE: Development Impact Fees: A Review of Contemporary Techniques for Calculation, Data Collection, and Documentation.

Daly, Herman E. (1996). *Beyond Growth: The Economics of Sustainable Development*, Beacon Press, Boston, MA.

Danielson, M. (1976). *The Politics of Exclusion*. Columbia University Press, N. Y.

Deames, Billy E. "The Myths About Impact Fees." *Building Industry Association*, September 1998

Development Impact Fees: Growing Smart Implementation Project. Prepared for Regional Development Division, Maricopa Association of Governments. January, 15, 2002

Deyle, Robert E., Florida State University Journal of Land Use & Environmental Law, Spring, 2003, 18 J. Land Use & Env'tl. Law 299, 14642 words, REVENUE OPTIONS FOR A RISK-BASED ASSESSMENT OF DEVELOPED PROPERTY IN HURRICANE HAZARD ZONES.

Economic Report of the President, February 1996.

Frank, James E. and Rhodes, Robert M. 1987 Development Exactions. Chicago: American Planning Association.

Frieden, B. (1979). *The Environmental Protection Hustle*. MIT Press, Cambridge MA..

Florida District Court of Appeals. *Hollywood, Inc. v. Broward County*. 431 So. 2d 606, March 23, 1983

Florida Statistical Abstract, 1995, pp. 199-204

Fulton, William, "How We Pay for Growth." June 2, 2003 Available at: www.planetizen.com/oped/itm.php?id=94 (last visited Jan 25, 2005)

Galardi, Deborah *Development Fees Trends and Tucson Case Study*

Greene County Court of Appeals. *Home Builders Association of Dayton and the Miami Valley, et al. v. City of Beavercreek*, 89 Ohio St. 3d 121, June 14, 2000, No. 98-2572

Greenwood, Dr. Daphne. 2004. *Paying For Schools: Does Smart Growth Matter? Growth Patterns in El Paso County and the Falcon School District*. Prepared by the Center for Colorado Policy Studies.

Griffith, Janice C., Wake Forest Law Review Association, Inc. Wake Forest Law Review, Fall, 2000, 35 Wake Forest L. Rev. 563, 22456 words, ARTICLE: THE PRESERVATION OF COMMUNITY GREEN SPACE: IS GEORGIA READY TO COMBAT SPRAWL WITH SMART GROWTH?.

Harmon, Jerry, "Who pays the costs of growth?" *San Diego Earth Times*, Oct. 2001

Herrera, Dennis J. *City Wins Supreme Court Case Upholding the San Francisco Hotel Conversion Ordinance*. Office of the City Attorney. March 4, 2002.

Hood, John, "Courting Impact Fees for Schools." *John Hood's Daily Journal*, February 19, 2004.

Housing Zone "Away with Impact Fees?" Available at:
www.housingzone.com/topics/pb/management/pb05aa030.asp (last visited Jan 25, 2004)

Ihlandfeldt, Keith R. and Timothy M. Shaughnessy. 2002. *An Empirical Investigation of the Effects of Impact Fees on Housing and Land Markets*. Lincoln Institute of Land Policy Conference Paper.

Impact of Government Regulations and Fees on Housing Costs, Washington Research Council, May 24, 2001

Juergensmeyer, Julian C. and Wadley, James, editors. 1987. Impact Fees. In Florida Land Use Restrictions (loose-leaf). 3 vols. D & S. Publishers, Inc., 1975. 1: chapter 17.

Juergensmeyer, Julian C. and DeGrove, John M., editors. 1986b. Impact Fees after the Growth Management Act of 1985. In Perspective on Florida's Growth Management Act of 1985. Cambridge, Mass.: Lincoln Institute of Land Policy 86, 5: 183-90.

Juergensmeyer, Julian C. & Blake, Robert M., Impact Fees: An Answer to Local Governments' Capital Funding Dilemma, 9 FLA. ST. U. L. REV. 415, 430 (1981).

Juergensmeyer, Julian C. 1980. Drafting Impact Fees to Alleviate Florida's Pre-platted Lands Dilemma. Florida Environmental and Urban Issues 7, 2:7.

Juergensmeyer, Julian C. & Nicholas, James C., Impact Fees Should Not Be Subjected to Takings Analysis, in TAKING SIDES ON TAKINGS ISSUES: PUBLIC AND PRIVATE PERSPECTIVES 357-70 (Thomas E. Roberts ed., 2002).

Juergensmeyer, Julian C. and Roberts, Thomas E., LAND USE PLANNING AND DEVELOPMENT REGULATION LAW 421 (Practitioner Treatise 2003).

Kayden, Jerold S. & Pollard, Robert, Linkage Ordinances and Traditional Exactions Analysis: The Connection between Office Development and Housing, 50 LAW & CONTEMP. PROBS. 127, 128-29 (1987).

Kersten, Michael T., Boston College Law School Boston College Environmental Affairs Law Review, 2000, 27 B.C. Envtl. Aff. L. Rev. 279, 15085 words, COMMENT: Exactions, Severability and Takings: When Courts should Sever Unconstitutional Conditions from Development Permits.

Killian, Shane, "Impact Fees: A good Idea gone bad." Available at: www.shanekillian.org (last visited Jan 25, 2005).

Kirlin, John. *The Political Economy of Fiscal Limits*. Lexington, MA: Lexington Books.

Kolo, Jerry and Dicker, Todd J. "Practical Issues Adopting Local Impact Fees." *State and Local Government Review*. Vol. 25, No. 3, Fall 1993: pp. 197-206

Lawler, Ann and Powers, Michael, ACIP. *Traffic Impact Fees – Survey Results*. November 22, 2004.

Lee, Joseph D., Washington Law Review Washington Law Review, January, 1996, 71 Wash. L. Rev. 205, 14258 words, NOTE & COMMENT: SUDDEN IMPACT: THE EFFECT OF DOLAN V. CITY OF TIGARD ON IMPACT FEES IN WASHINGTON.

Logan, J. (1978). Growth, politics and the stratification of places, *American Journal of Sociology*, 84, pp. 404-416.

Lucas, Kelly, The Indiana Lawyer, November 19, 2003, Pg. 9, 1071 words, Impact fees ease growing pains.

Lucero, Angelique "The Price of Progress: Infrastructure Payment Plans You Can Live With." *American City and County*, May 1997.

McGuire, Therese J., "Proposition 13 and Its Offspring: For Good or Evil?", 52 *National Tax Journal*, 1999, 129-138

McGee, Robert W. & Block, Walter E., Pollution Trading Permits as a Form of Market Socialism and the Search for a Real Market Solution to Environmental Pollution, 6 FORDHAM ENVTL. L.J. 51, 53 (1994).

Mullen, Clancy. "Impact Fees and Growth Management." Presented at the National Conference of the American Planning Association, Chicago, IL, April 14, 2002

Mullen, Clancy. "Impact Fees and Housing Affordability." Presented at the National Conference of the American Planning Association, Denver, CO, April 1, 2003

Mullen, Clancy. "Impact Fee Surveys: A National Perspective." October 2003, presented at the Impact Fee Roundtable, San Diego, CA.

Mullen, Clancy. *2004 National Impact Fee Survey*. October 2004, presented at the National Impact Fee Roundtable , Naples, FL.

Mullen, Clancy. "The Costs of Growth: A Brief Overview." March 28, 2002

The Municipal Yearbook 2003. The International City/County Management Association, Washington, DC

Munkwitz, Kelly L., Albany Law Review Albany Law Review, 1997, 61 Alb. L. Rev. 595, 16000 words, NOTE: DOES THE SEQRA AUTHORIZE MITIGATION FEES?,

Murphy, Noreen A., New England School of Law New England Law Review, Fall, 1996, 31 New Eng. L. Rev. 203, 28520 words, Note: The Viability of Impact Fees After Nollan and Dolan.

Musgrave, Richard A., and Peggy B. Musgrave. 1989. *Public Finance in Theory and Practice*. 5th ed. New York: McGraw-Hill.

National Association of Home Builders. *Consumer Guide to Understanding Impact Fees*, 2000.

National Association of Home Builders. *Impact Fee Handbook*, 1997.

Nation's Building News Online. *Flaws in Brookings Impact Fee Report Cited*.

Nelson, Arthur C. June 2003. Paying For Prosperity: Impact Fees and Job Growth. A discussion paper prepared for the Brookings Institution Center on Urban and Metropolitan Policy.

Nelson, Arthur C. Calculating System Development Charges for Stormwater Facilities. Reprinted from 1995. *System Development Charges for Water, Wastewater, and Stormwater Facilities*. CRC Press, Boca Raton, FL.

Nelson, Arthur C. and Duncan, James B. Growth Management Principles and Practices. Chicago: American Planning Association.

Nicholas, James C. "On the Progression of Impact Fees." *Journal of the American Planning Association*. 58:4 (Autumn 1992).

Nicholas, James C. and Juergensmeyer, Julian C. *Market Based Approaches to Environmental Preservation: To Environmental Mitigation Fees and Beyond*. Natural Resources Journal.

North, D. Michael, "In my humble Opinion: Is it time to look at impact fees?" *National Association of Realtors*, Available at: www.realtor.org/libweb.nsf/pages/fq805 (last visited Jan 25, 2005)

Nozzi, Dom, "Using Impact Fees to Reward Development." *The Gainesville Sun*, September 15, 1994

Rainey, Daniel V. "The Impact of Property Taxes and Growth Restrictions on Real Estate Prices." A Study Funded by The Center for Applied Real Estate Education and Research, University of South Carolina

Reiley, William K., *The Use of Land*, New York: Crowell, 1972.

Rosenberg, Nick, Boston College Law School Boston College Environmental Affairs Law Review, 2003, 30 B.C. Env'tl. Aff. L. Rev. 641, 28749 words, SYMPOSIUM: TWISTS IN THE PATH FROM MOUNT LAUREL: COMMENT: Development Impact Fees: Is Limited Cost Internalization Actually Smart Growth?.

Ross, Dennis H. and Scott Ian Thorpe, "Impact Fees: Practical Guide for Calculation and Implementation." *Journal of Urban Planning and Development*, September 1992.

Schaftel, Ron, "Impact Fees: The Welcome Stranger Tax." Available at: www.bizmonthly.com/3_2003_focus/f_6.html (last visited Jan 25, 2005)

Schwartz, Andrew W. Environmental Law & Policy Institute, Georgetown University Law Center. *Takings Challenges to Development Impact Fees*. Presented at The 7th Annual Litigating Regulatory Takings Claims Conference. Los Angeles, CA

Skaburskis, Andrejs and Ray Tomalty (2000) - The Effect of Property Taxes and Development Cost Charges on Urban Development: Views of Toronto and Ottawa Developers, Planners and Municipal Finance Officials'. *Canadian Journal of Regional Science*, 23:2.

Smart Growth: 1000 Friends of Wisconsin and the Land Use Institute, *The Cost of Development*.

Staley, Sam. "Concept Misused: Impact Fees an Inexact Science." *Atlanta Journal Constitution*. October 17, 2001.

Starn, Michael L., "Negotiations or Impact Fees?" *Maine Townsman*, April 1989.

Statistical Abstract of the United States, 2001, P. 1 – 67, 262.

St. John's County District Court of Appeals. *St. John's County v. Northeast Florida Builders Association Inc.*, 583 So. 2d 635, April 18, 1991, No. 89-861

Sullivan, James H., Florida Law Review, April 2001, 53 Fla. L. Rev. 409, 4495 words, LAND USE MANAGEMENT: RETIREMENT COMMUNITIES EVADE PUBLIC SCHOOL IMPACT FEES *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d 126 (Fla. 2000)

Sullivan, Kimberly L., The Northern Illinois University Law Review, Summer, 1995, 15 N. Ill. U. L. Rev. 637, 4613 words, SYMPOSIUM: DISCRETIONARY LIMITS IN LOCAL LAND-USE CONTROL: ARTICLE: Desire for Community Growth in Northeastern Illinois as Reflected in Annexation Agreements.

Supreme Court of California. Richard K. Ehrlich, Plaintiff and Appellant v. City of Culver City et al., 12 Cal. 4th 854, Mar 5, 1996, No. S033642

Supreme Court of Florida. Contractors and Builders Association of Pinellas County v. City of Dunedin, 329 So. 2d 314, February 25, 1976

Supreme Court of Illinois. Northern Illinois Home Builders Association, Inc., et al., Appellants, v. The County of Du Page, et al., Appellees. March 23, 1995, Docket No. 76503

Supreme Court of Nevada. North Las Vegas v. Pardee Constr. Co., 117 Nev. Adv. Op. No. 25, April 13, 2001, No. 30475

Supreme Court of Texas. Town of Flower Mound, Texas, Petitioner, v. Stafford Estates Limited Partnership, Respondent, Argued March 5, 2003, No. 02-0369

Supreme Court of Utah. Home Builders Association of the State of Utah v. City of North Logan, a Utah Municipality. June 22, 1999, No. 980058

Supreme Court of Utah. Home Builders Ass'n of Utah v. City of American Fork, 1999 UT 7. Case No. 970232

Taylor, Jeff A. "The Impact Hammer." *Carolina Beat*, September 22, 2004.

Temple, Steve, "Spreading up-front costs spurs development." *American City & County*, Oct. 1, 1996

Theis, Joel R. and Giardina, Richard D. *Impact Fees: A Vote of Confidence for Economic Growth?* Available at: www.impactfees.com (last visited Jan 29, 2005)

Thorpe, Norman E. "Impact Fees: More than Meets the Eye." *Spokane Journal of Business*. Feb. 18, 1993.

Triad Tips "School District Impacts Fees: 2001 Update." April 2001 Triad Associates. Available at: www.triadassoc.com (last visited Jan 29, 2005)

Unsel, Charles T., University of Denver College of Law, The Rocky Mountain Land Use Institute 13th Annual Conference, Session Handouts for Recouping the Cost of Development in Rural Areas – Impact Fees and Beyond, Original presentation: March 12, 2004

U.S. Department of Housing and Urban Development. Office of Policy Development and Research. *Impact Fees and the Role of the State: Guidance for Drafting Legislation*. Upper Marlboro, Md.: NAHB Research Center, Dec. 1993.

U.S. Environmental Protection Agency, An Evaluation of the South Coast Air Quality Management District's Regional Clean Air Incentives Market -- Lessons in Environmental Markets and Innovation

44-45 (2002), available at <http://www.epa.gov/Region9/air/reclaim/report.pdf> (last visited Oct. 2, 2003).

U.S. Environmental Protection Agency, Evaluation of the RECLAIM Program in the South Coast Air Quality Management District (2002), available at <http://www.epa.gov/Region9/air/reclaim/index.html> (last updated Oct. 2, 2003).

U.S. Supreme Court. *Agins v. Tiburon*, 447 U.S. 255 (1980) No. 79-602

U.S. Supreme Court. *Dolan v. City of Tigard* (1994). Certiorari to the Supreme Court of Oregon. No. 93-518

U.S. Supreme Court. *First Lutheran Church v. Los Angeles County*, 482 U.S. 304 (1987). No. 85-1199

U.S. Supreme Court. *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992). No. 91-453

U.S. Supreme Court. *Keystone Bituminous Coal Assn. v. DeBenedictis*, 480 U.S. 470 (1987). No. 85-1092

U.S. Supreme Court. *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987). No. 86-133

U.S. Supreme Court. *Penn Central Transportation Co. Et al. v New York City Et al*, 438 U.S. 104 (1978)

Villavaso, Stephen D. and Lundren, Johanna, *Loyola Law Review* *Loyola Law Review*, Winter, 2003, 49 *Loy. L. Rev.* 917, 15943 words, ARTICLE: MODEL COMPREHENSIVE PLANNING LEGISLATION FOR LOUISIANA.

Villavaso, Stephen D., *Loyola Law Review* *Loyola Law Review*, Summer, 2002, 48 *Loy. L. Rev.* 229, 10605 words, ARTICLE: PLANNING ENABLING LEGISLATION IN LOUISIANA: A PROSPECTIVE ANALYSIS INTO THE NEXT MILLENNIUM.

Volusia County, etc., et al., Appellants, v. Aberdeen at Ormond Beach, L.P., etc., Appellee. 760 So. 2d 126, Fla. (2000). No. SC95345

Wagner, Richard. "No. 719: Impact Fees" Truth and Consequences of Bad Policy." Dec. 10, 2003. *Carolina Beat*.

The "Water Pollution Control Act," commonly known as the clean water act, PL 92-500.

Washington Research Council. *Special Repot: Rethinking School Impact Fees*. February 1995.

Wilson, Shawn M., *Florida State University Journal of Land Use & Environmental Law*, Spring, 1997, 12 *J. Land Use & Env'tl. Law* 303, 24500 words, COMMENT: EXACTING PUBLIC BEACH ACCESS: THE VIABILITY OF PERMIT CONDITIONS AND FLORIDA'S STATE BEACH ACCESS LAWS AFTER DOLAN V. CITY OF TIGARD.